

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

ERICKA M. DOBBS,

Plaintiff,

Case. No. 18-11903

v.

Honorable Thomas L. Ludington  
Magistrate Judge Anthony P. Patti

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

/

**ORDER ADOPTING REPORT & RECOMMENDATION, GRANTING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT, DENYING PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT, AND AFFIRMING THE DECISION OF THE  
COMMISSIONER**

On June 15, 2018, Plaintiff filed a complaint against the Commissioner of Social Security, Nancy Berryhill, seeking review of the Commissioner's decision denying Plaintiff disability benefits. Plaintiff alleges her disability began on January 1, 2004, at the age of 22. (R. at 217.) Plaintiff subsequently amended the alleged onset date to September 21, 2011. (R. at 683.) In her disability report, she lists back injury, migraines, nerve damage, endometriosis, and insomnia as limiting her ability to work. (R. at 222.) Her applications were denied on August 8, 2016. (R. at 87-114.) Plaintiff requested a hearing by an Administrative Law Judge ("ALJ"). (R. at 153-154.) On November 15, 2017, ALJ John Dodson held a hearing, at which Plaintiff and a vocational expert (VE), Kelly A. Stroker, testified. (R. at 28-64.) On January 4, 2018, ALJ Dodson issued an opinion, which determined that Plaintiff was not disabled within the meaning of the Social Security Act. (R. at 8- 27.) Plaintiff submitted a request for review of the hearing decision/order. (R. at 198-99.) However, on April 16, 2018, the Appeals Council denied

Plaintiff's request for review. (R. at 1-5.) Thus, ALJ Dodson's decision became the Commissioner's final decision.

Plaintiff timely commenced the instant action on June 15, 2018. Both Plaintiff and Defendant subsequently filed motions for summary judgment. ECF Nos. 19, 21. On August 19, 2019, Magistrate Judge Anthony P. Patti issued a report, recommending that Plaintiff's motion for summary judgment be denied, that Defendant's motion for summary judgment be granted, and that the decision of the Commissioner be affirmed. (ECF No. 24)

Although the magistrate judge's report explicitly states that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither party has filed any objections. The election not to file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal. *Id.*

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 24, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 19, is **DENIED**.

It is further **ORDERED** that Defendant's Motion for Summary Judgment, ECF No. 21, is **GRANTED**

It is further **ORDERED** that the findings of the Commissioner are **AFFIRMED**.

Dated: September 4, 2019

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge